

DJIBOUTI: Tier 2

The Government of Djibouti does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore Djibouti remained on Tier 2. These efforts included increased investigations and prosecutions of potential trafficking crimes. The government also identified and referred an increased number of victims to protective services. Authorities provided in-kind support for Djibouti's first NGO-operated overnight shelter and authorized another local NGO to house vulnerable street children, young migrants, and potential trafficking victims. In addition, officials signed cooperative agreements with NGOs to ramp up support for the highly vulnerable migrant and street children populations. However, the government did not meet the minimum standards in several key areas. The government has not convicted any perpetrators of human trafficking since 2017; limited understanding of trafficking indicators among front-line officials continued to inhibit law enforcement efforts; and most suspected traffickers were instead convicted of smuggling crimes. For the fifth consecutive year, the government did not fully operationalize its national action plan to combat trafficking and, despite there being a formal mechanism in place, the government conducted victim identification efforts mostly on an ad hoc basis.

PRIORITIZED RECOMMENDATIONS:

Increase efforts to convict suspected trafficking offenders under the 2016 anti-trafficking law. • Institute and partner with international experts to provide regular training for judges, prosecutors, and law enforcement officials on the distinctions between human trafficking and migrant smuggling and on compiling and interpreting evidence of trafficking crimes in cost-effective and victim-centered manners. • Widely disseminate and implement standardized procedures for government personnel to proactively identify potential victims, especially among vulnerable populations such as migrants or orphans, and transfer them to care. • Establish a training program for the Coast Guard to improve identification of potential trafficking victims among migrants transiting by sea. • Provide support, as feasible, for the country's first 24-hour shelter for vulnerable migrants, including potential trafficking victims. • Continue to strengthen protective services for victims through partnerships with

NGOs or international organizations. • Revise, finalize, and implement the extended national action plan. • Continue to coordinate with civil society to spread anti-trafficking awareness nationwide.

PROSECUTION

The government maintained law enforcement efforts to combat trafficking. The 2016 Law No.133, On the Fight Against Trafficking in Persons and Illicit Smuggling of Migrants, criminalized sex trafficking and labor trafficking; it prescribed penalties of five to 10 years' imprisonment, which were sufficiently stringent and, with respect to sex trafficking, commensurate with those for other serious crimes, such as rape. The law considered the involvement of a minor or forcing a victim into prostitution as aggravating circumstances for which the penalties increased to 10 to 20 years' imprisonment. Law No.111, Regarding the Fight Against Terrorism and Other Serious Crimes of 2011, also prohibited sex trafficking and labor trafficking and prescribed penalties of 10 to 15 years' imprisonment, which were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. Definitions and penalties in these two laws diverged, but the extent to which it hampered law enforcement, prosecutorial, and judicial officials' ability to prosecute suspected traffickers effectively was indeterminable.

During the reporting period, the government investigated 33 potential trafficking crimes, compared to 29 cases the previous year. It reported prosecuting 80 suspected traffickers in 33 cases under the 2016 anti-trafficking law, a notable increase from 58 suspected traffickers in 29 cases the prior year. Analogous to previous reporting periods, however, officials did not achieve any trafficking convictions due to judges' determination of insufficient evidence to prove trafficking; the majority of prosecutions resulted in smuggling convictions, and the government acquitted 16 and separately ordered 48 defendants to pay fines. Severe resource and capacity limitations impeded officials' ability to develop comprehensive investigations of trafficking indicators and crimes. Additionally, finite human resources and limited awareness by the law enforcement of how to identify trafficking victims among a daily inundation of weary migrants reduced its ability to gather and collect evidence in all potential trafficking crimes. Furthermore, the ratio of prosecutors to law enforcement personnel was

one to 480, which rendered the small team of prosecutorial officials overwhelmed with the volume of cases. Given limited data on trafficking cases writ large, the extent of official complicity in trafficking crimes remained difficult to assess; however, there were reports of judicial and law enforcement corruption in general, which may have affected human trafficking cases. The government did not report any investigations, prosecutions, or convictions of officials complicit in human trafficking offenses in 2019.

During the reporting period, the National Police created a unit focused on vulnerable minors that had a mandate to investigate and arrest traffickers and refer children to a local NGO-run shelter. In 2018, the government designated the Ministry of Interior (MOI) as the entity officially responsible for migration issues, to include trafficking. According to civil society stakeholders, this restructuring continued to allow international partners and NGOs to more effectively coordinate and focus on anti-trafficking initiatives in country. During the reporting period, the government, in partnership with an international organization, co-chaired a monthly mixed-migration task force for close coordination on migration, smuggling, and human trafficking. The government continued to provide in-kind support to anti-trafficking trainings facilitated and funded by international organizations. The Ministry of Justice (MOJ) sent an unspecified number of judges, prosecutors, and advisors to training seminars on general trafficking topics. The MOJ also coordinated with an international organization to lead a series of workshops in the rural regions of the country surrounding World Day Against Trafficking. Additionally, the National Police worked with an international organization to revise and reform its process for screening for trafficking indicators; the entity implemented the new curriculum in all police academies in Djibouti City and in the rural areas of the country. Similarly, the Gendarme commenced consultative processes to overhaul their training materials to more accurately detect and investigate trafficking crimes and created a unit with a mandate to protect women and children against sexual and gender-based violence.

PROTECTION

The government strengthened efforts to protect trafficking victims. Although it had formal identification and referral procedures to guide officials in the proactive identification of victims, relevant officials did not consistently use these procedures; in practice, with less than one million people in Djibouti, officials routinely called upon prominent points of contact for trafficking cases rather than refer to the written procedures. During the reporting period, without assistance from international organizations, authorities identified 33 potential trafficking victims and referred them all to care, an increase compared with 28 they independently identified and assisted the previous year. For each of the 33 individuals, the government worked with an international organization to provide appropriate services. The government continued to grant authority to an international organization to conduct trafficking screenings of all transiting migrants—including an unknown number of potential trafficking victims—and partnered with this entity to provide water, food, and temporary shelter for thousands of people during the reporting period. During the reporting year, relevant government entities, in close cooperation with an international organization, facilitated the repatriation of 4,220 migrants to their respective countries of origin, the large majority of whom hailed from Ethiopia. Some of these individuals reportedly encountered violence, coercion, or exploitation during their travels across multiple transit countries, but particularly in Yemen.

With governmental authorization, since June 2019, a locally operated NGO hosted unaccompanied migrant and highly vulnerable street children in Djibouti's first secure, 24-hour dormitory that could appropriately house trafficking victims. Since the center's opening, the NGO provided care for 137 young individuals, some of whom may have been trafficking victims. The government also permitted one NGO and other organizations working with orphans to host minors at their respective facilities overnight; many of these vulnerable children previously slept on the streets or along Siesta Beach—a spot once notorious for trafficking. The government provided in-kind support to these local organizations during the year despite being resource-strapped. Separately, the Coast Guard provided clothing and food to vulnerable migrants stranded at sea and transported them to care provided by an

international organization, typically in Khor Angar. The government continued its administration and funding of three migrant response centers (MRCs) in Loyada, Obock, and Khor Angar, which included office and short-term living quarters staffed and operated by an international organization in the Obock center along routes heavily traversed by migrants. Since 2017, the Ministry of Health has provided one full-time doctor trained to identify trafficking indicators to the National Union for Djiboutian Women counseling center, a facility that deals with trafficking cases among other crimes. Also during the year, health officials, in partnership with an international organization, continued to operate five mobile clinics in Djibouti's critical regions to provide care for hundreds of Ethiopians who transited Djibouti daily to reach the Arabian Gulf. In addition, the Women and Family Promotion Ministry, in response to qualitative research conducted to examine the plight of vulnerable street children, generated an action plan to address specific vulnerabilities unveiled by the study and signed a memorandum of understanding with a local NGO to provide psycho-social support and monitoring for children housed at the country's aforementioned first and only overnight shelter.

Key ministries that supported groups vulnerable to trafficking continued to be transparent regarding funding and provided relatively significant resources during the reporting period on an array of identification and support services for potential victims of trafficking. The government allocated more than 110 million Djiboutian francs (\$621,470) in 2019, a decrease compared with 140 million Djiboutian francs (\$790,960) in 2018, to relevant ministries, MRCs, transit centers, and local NGOs, which operated counseling centers and other programs—including a hotline—that assisted potential trafficking victims. The 2016 anti-trafficking law included provisions allowing trafficking victims temporary residency during judicial proceedings and permanent residency, as necessary, as a legal alternative to removal to countries where victims might face hardship or retribution; the government did not report whether it employed these provisions during the reporting year. Additionally, the 2016 law directed the government to provide necessary victims legal assistance and an interpreter, in addition to psychological, medical, and social assistance. There were no reports the government penalized victims for unlawful acts traffickers compelled them to commit;

however, due to irregular implementation of formal identification procedures, trafficking victims may have remained unidentified within the law enforcement system.

PREVENTION

The government continued modest efforts to prevent trafficking. During the reporting period, the government continued revisions to its 2015-2022 national action plan but did not fully operationalize it for the fifth consecutive year, due in part to the laborious, bureaucratic transfer of responsibilities from the MOJ to the MOI. The justice ministry's website featured the government's anti-trafficking efforts throughout the year and publicized articles on human trafficking in addition to Djibouti's anti-trafficking law. In collaboration with the German government, the MOJ led an awareness and training campaign throughout Djibouti's interior regions. It aimed to highlight logistics and methodology of the trafficking referral mechanism for those living along the migrant corridor. An unknown number of community and religious leaders, in addition to local law enforcement personnel, participated in all government-led and funded workshops. In late 2019, labor authorities published a series of articles to bring attention to child labor laws, including child trafficking. The Women's Ministry promulgated its hotline for reporting domestic abuse and trafficking cases on its website and local radio and television stations, and, for the first time, the hotline reported it received five to ten calls per day; it did not report the number of trafficking-specific calls or if it identified any traffickers as a result. The government made efforts to reduce the demand for commercial sex acts by increasing the number of law enforcement personnel at nighttime at Siesta Beach—a time and location once notorious for commercial sex transactions—to arrest those soliciting sex. The inspector general continued its unannounced public inspections at the sites of foreign labor recruitment and placement companies throughout the country. During the reporting period, the government increased its number of reported labor inspections to enforce laws against forced labor; it conducted a total of 103 inspections in 2019 in Djibouti City and the regions of Ali Sabieh, Dikhil, Tadjourah, and Obock. The government's diplomatic institute provided training to Djiboutian diplomatic personnel on human rights and trafficking issues before they departed on overseas missions. English and Amharic language teachers at this

training center included information on trafficking, including domestic servitude, in their course material.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Djibouti. Men, women, and children, primarily economic and often undocumented migrants from Ethiopia and Somalia, transit Djibouti voluntarily en route to Yemen and other locations in the Middle East, particularly Saudi Arabia. An unknown number of these migrants are exploited in forced labor and sex trafficking in their intended destinations, and these irregular migrants are also at increased risk of becoming trafficking victims in various transit points, particularly Yemen. Economic migrants also pass through Djibouti to return to their respective countries of origin. According to government estimates and an international organization, approximately 160,000 people embarked on the sea crossing from the Horn of Africa to Yemen in 2019, contributing to the highest annual total of the past decade. During the previous reporting year, approximately 91,500 Ethiopian migrants transited Djibouti (population of one million)—more than 300 each day—thereby putting a significant strain on the government’s already limited resources. In addition to the substantial influx of migrants, the civil war in Yemen continued to generate a reverse flow of persons from Yemen to Djibouti; migrants voluntarily fled or were illegally, forcibly deported from Aden; many of them reported suffering physical abuse and may have been trafficking victims. During the previous year, the government allowed roughly 37,500 people of diverse nationalities to enter freely and take refuge, a practice dating to the start of the Yemeni war in 2015; some of them had endured various types of exploitation before their arrival in Djibouti. Given the protracted political instability in Ethiopia, many Ethiopian nationals, including unaccompanied minors, continued to journey on foot from Ethiopia to Djibouti either to claim asylum with their families or to continue onward to destination countries in the Arabian Gulf, thereby causing an increase in refugee camp populations of approximately 2,500; austere and overcrowded conditions in these camps perpetuated trafficking vulnerabilities. For the first time in 10 years, an international organization observed Ethiopians from the Tigray region transiting Djibouti

in greater numbers than those from the Oromia region. This same entity reported a spike in the number of women and minors in the mixed-migration flow.

During the reporting period, officials continued to identify vulnerable minors in Djibouti City, particularly along the Siesta Beach road. Djiboutian and migrant women and street children are vulnerable to sex trafficking in Djibouti City, the Ethiopia-Djibouti trucking corridor, and Obock, the main departure and arrival point for Yemen. Smuggling networks, some of whose members are Djiboutian, sometimes charge exorbitantly high rents or kidnap and hold migrants transiting Djibouti, including children, for ransom. Parents sometimes compel their children to beg on the streets as a source of familial income; children may also travel from foreign countries—including Ethiopia and Somalia—to beg in Djibouti.